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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,934	12/29/2000	James Neal Richter	RNOT.80303	8042

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William B. Kircher
SHOOK, HARDY & BACON L.L.P.
1200 Main Street
Kansas City, MO 64105-2118

EXAMINER

CHEN, TE Y

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/751,934

Applicant(s)
Bozeman et al.

Examiner
T. Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 13, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 8 6) ☐ Other:

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DETAILED ACTION

1. Claims 1 - 25 are presented for examination.

Claim Objection

2. Claim 13, line 1, is objected because there is a typo for the word "Baysian", it should be change to "Bayesian".

Specification

3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicants' cooperation are requested in correcting any errors of which applicants may become aware in the specification.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686

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F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-25 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1-26 of co-pending Application No. 09/549,568. Although the conflicting claims are not identical, they are not patentably distinct from each other because these two data processing systems claim substantially the same methods/means/program products of a network system to perform the following functions: (1) detecting a selection of at least a first and second informational items in a data retrieval session; (2) applying a an ensemble of clustering algorithms to merging relationships among the information items; (3) creating a relationship link based on the characteristic

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similarities between the first informational item and second informational items; (4) assigning and ranking relationship links via weight, aging and feedback methods; (5) providing a help type topic to facilitate data context retrieval.

6. Although the current application specifically claimed the network is a Bayesian Belief Network system. However, this type of network is conventional and well known in a joint-probability distribution database art, (see Fig. 3; col. 7, line 54 - col. 8, line 2; Horvitz et al. U.S. Patent No. 6,021,403). Thus it would have been obvious to one of the ordinary skill in the art to claim this well known technique for building a model to representing the probabilistic relationship between user actions and hypotheses, as such, to provide an automated user assistance facility for solving user's difficulty.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Horvitz et al. (U.S. Patent No. 6,021,403).

9. As to claim 13, Harvitz et al. (hereinafter referred as Harvitz) disclosed a traditional Bayesian Belief Network with modification [Fig. 1] comprising:

a) a set of random Frequently Asked Questions (FAQ) [for example, see use's input query: "How do I make this look prettier?" or "I need to access data from a different application." of Fig(s). 19-20; col. 5, lines 41-56; col. 23, lines 35-64];

b) a set of relationships between nodes [see, Fig(s). 2-3; col. 5, lines 57-67; col. 7, line 54 - col. 8, line 26];

c) a weight which describes the strength of relationship between each node [76, Fig. 13; 280 - 284, Fig. 32; col. 11, lines 54-57; col. 19, lines 21-51];

d) a network structure which allows cycles and other structures with no limitations [Fig(s). 33, 35; col. 9, lines 7-13; col 11, lines 14-30; col. 30, lines 31-67; col. 32, lines 36-46].

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10. As to claim 14, Horvitz further disclosed the apparatus for providing classification of informational items in an information retrieval system comprising:

a) means for detecting an access of informational items [14, 15, 16, 18, 20, 22, 24, 26, Fig. 1];

b) means for applying an ensemble of clustering algorithms [Event Processor; Fig. 7; col. 12, lines 40-50; col. 15, lines 32-40];

c) means for creating relationship links between the informational items to enhance the effectiveness of the system [Event System Specification Tool; col. 14, lines 24-43].

11. As to claims 15 and 16, Horvitz further disclosed the apparatus having:

a) means for aging the relationship links [time-stamps of a modeled event; for example, see StartTime entry, EndTime entry, etc. of col. 13, table; col. 16, lines 10-14];

b) means for pruning the relationship links [probability decay function; col. 16, lines 34-37];

c) means for weighting the relationship links [192, Fig. 16; 284, Fig. 32; col. 22, lines 41-53]; and

d) means for arranging the relationship links in direct proportion to the outcome of the ensemble of algorithms [Ranking by the highest probability; for example, see 281, 283, Fig. 32; Fig. 33];

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e) means for merging the resulting output of ensemble of algorithms into a Bayesian-type Belief Network [Inference engine, 165, Fig. 13; col. 19, lines 21-51; col. 20, line 46 - col. 21, line 7].

12. As to claims 1-12, the steps in the claimed method are deemed to be made inherit by the functions of the apparatus structure of claims 13 - 16 in the combination discussed above, hence were rejected for the same reasons.

13. As to claims 17-22, these claims recite the same subject matter as claims 13-16 in form of computer readable storage medium, hence were rejected for the same reason.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz (U.S. Patent No. 6,021,403) and in view of Zellweger (U.S. Patent No. 5,630,125).

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16. As to claims 23-25, Horvitz did not expressly disclose the method having steps of:

a) recursively determining (or reexamining) an efficient path for a particular help item (or a subsequent help item) of interest, based on the context in which the help item (or subsequent help item) was sought; and

b) dynamically changing and storing the context and path in which a help item (or a subsequent help item) is sought.

17. However, Zellweger disclosed a system having method to:

a) recursively determining (or reexamining) an efficient path for a particular help item (or a subsequent help item) of interest, based on the context in which the help item (or subsequent help item) was sought [Improving Menu Access, col. 8, line 65 - col. 9, line 56]; and

b) dynamically changing and storing the context as well as path in which a help item (or a subsequent help item) is sought [col. 5, lines 5-17; col. 7, lines 1-5; for example, see Fig(s). 7-8].

18. Thus it would have been obvious to one of the ordinary skill in the art to combine the teachings of Horvitz and Zellweger, because by using the steps as claimed in Harvitz system would allow the system to provide a direct access of help item (or subsequent help item) of interest for an end user and facilitate the retrieving of the stored context in which a help item (or subsequent help item) is sought.

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Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: DeRose et al. (U.S. Patent No. 6,105,044) which disclosed a system for generating representation of an indexed electronic document within a random access rendering environment.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Chen whose telephone number is (703) 308-1155. The examiner can normally be reached Monday through Friday from 7:30 A.M. to 4:30 P.M.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached at (703) 308-1436. The fax phone numbers for this group are: (703) 746-7238 (After Final Communication); (703) 746-7239 (Official Communications); and (703) 746-7240 (For Status Inquiries, Draft Communication).

22. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Susan Chen

Nov. 13, 2002


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100